

**Remarks/Arguments**

**35 U.S.C. §103**

Claims 1-3, 8-10, and 15-17, stand rejected under 35 U.S.C. §103(a) as being unpatentable over Kim (U.S. Patent No. 5,749,050), in view of Guillory (U.S. Publication No. 2002/0075155).

It is respectfully asserted that neither Kim nor Guillory, alone or in combination, disclose the step of:

“providing an output if both of said first condition, wherein signal strength on a selected channel associated with said emergency alert function exceeds a threshold, and said second condition, wherein a broadcast test associated with said emergency alert function is passed, said broadcast test including detecting reception of a test signal that is broadcast on a scheduled periodic basis and determining whether said test signal includes a user selected location code associated with said emergency alert function, are detected,”

as described in claim 1.

Among the problems addressed by the present invention is the confusing nature of the setup processes for many emergency alert systems, such as those that may be present in television set top boxes. For instance, the task of selecting the channel frequency that provides the highest signal strength may introduce the possibility of error since the user is required to discriminate among multiple low-wattage signal strength transmissions. Moreover, a selected channel frequency may not provide all of the information that a user desires, such as information targeted to the user's geographic location. (Specification, page 1-2) Furthermore, NOAA is rapidly adding new transmitters, and may also change the channel frequencies used by certain existing transmitters. Thus, users may be provided with a false belief that they will receive alert information for certain geographical areas. (Specification, page 2)

To address this problem, the present application discloses a method by which determinations are made as to whether a) the signal strength on the channel frequency selected for receiving emergency alert signals exceeds a predetermined threshold sufficient to enable proper decoding of SAME data for a predetermined time, and b) whether a broadcast test has been received during a time interval during which a test was expected. According to an exemplary embodiment, an indicator is illuminated to indicate a “ready” state of the emergency alert function only if both conditions are met. (Specification, page 13, lines 7-21) More specifically, the application describes a method for controlling a television signal receiving apparatus having an emergency alert function, comprising steps of: detecting a first condition wherein signal strength on a selected channel associated with said emergency alert function exceeds a threshold; detecting a second condition wherein a broadcast test associated with said emergency alert function is passed, said broadcast test including detecting reception of a test signal that is broadcast on a scheduled periodic basis and determining whether said test signal includes a user selected location code associated with said emergency alert function, are detected; and providing an output if both of those conditions are detected.

Kim teaches “an automatic emergency alarm reception apparatus for a broadcasting receiver which has a radio frequency part and a low frequency part, comprising an ON/OFF switch connected between the radio frequency part and the low frequency part, for turning on the broadcasting receiver when a specific frequency signal indicative of a state of emergency is received at an antenna of the broadcasting receiver, and an emergency alarm signal detection circuit for detecting the specific frequency signal from the radio frequency part to control the ON/OFF switch. The emergency alarm signal detection circuit includes an air defense alarm signal detection part and an air-raid alarm signal detection part. The air defense alarm signal detection part is provided with a band pass filter, a level comparator, an inverter, a pulse generator and a counter. The air-raid alarm signal detection part is provided with first to third band pass filters, first to third level comparators and a sequential detector. The emergency alarm signal detection circuit further includes an OR gate for performing an OR operation with respect to an output signal from the counter and an output signal from the sequential detector, and an R-S flip-flop for controlling the ON/OFF switch in response to an output signal from the OR gate.” (Kim Abstract)

The Office Action asserts that ‘Kim further teaches providing an output if both of said first condition wherein signal strength on a selected channel associated with said emergency alert function exceeds a threshold (column 5 lines 22-30).’ (Office Action, page 2) However, the cited passage of Kim relates to detecting that a counter has reached a threshold, not that signal strength exceeds a threshold. If the count is exceeded, the alarm is sounded. (Kim, column 5, lines 12-20) Kim makes no mention of assessing signal strength, and a count of square wave pulses in a received signal is not indicative of signal strength. Thus, Kim fails to disclose the step of “providing an output if both of said first condition, wherein signal strength on a selected channel associated with said emergency alert function exceeds a threshold, and said second condition, wherein a broadcast test associated with said emergency alert function is passed, said broadcast test including detecting reception of a test signal that is broadcast on a scheduled periodic basis and determining whether said test signal includes a user selected location code associated with said emergency alert function, are detected,” as described in claim 1.

Additionally, Kim fails to recognize or address the problem addressed by the present invention. Kim sounds an air-raid alarm when a signal with particular characteristics is received. The present invention, in contrast, is directed at providing an indication to the user that a sufficiently strong signal that will contain emergency alert data relevant to the current location is being tuned.

Guillory teaches a system “for sending an effective warning signal to receivers in a predetermined area. A transmitter, activated by a local authority, sends a severe weather warning signal to a plurality of receivers. Cities or counties within the predetermined area are divided into subdivisions thereof called sectors, each of which represents an area that is selectively addressable by the transmitter. Each of the receivers has a programmable sector code which has been programmed according to the location of the home or office in which it is placed. When activated, the transmitter sends radio frequency warning signals which contain digitally encoded information indicating the sector to which the warning applies. Upon receiving the warning signal, each receiver that has been programmed with the sector code being transmitted responds by generating an audible alert or other warning signal. In

one embodiment, the transmitter sending the warning signal is connected to, and activated by, the same mechanism that activates a corresponding warning siren.” (Guillory Abstract)

Guillory does disclose that signals may be coded as test signals or warnings, and that signals may contain codes indicating origination location and geographic applicability. (Guillory, [0031]-[0035]) However, the method of using test signals disclosed in Guillory differs significantly from the method of the present invention. Guillory states:

[0037] Block 307 of FIG. 3 illustrates a clock or timer circuit that causes the transmitter system to send periodic, timed test signals. Test signals typically comprise the system identification code and the city/county code. As explained below, the receivers generate a 'trouble alarm' if this test signal is not received within the test signal timer window established for the system.” (Guillory [0037])

Guillory is describing presentation of an alarm if a test signal is not received within a time window. Guillory does not describe providing an output if both signal strength above a threshold is detected and the test signal includes a user-selected location code, as is described in the present claims. Furthermore, the only mention of signal strength noted in Guillory is a statement that the transmitters transmit signals of sufficient strength to be detected and decoded by a receiver in their broadcast area. (Guillory [0021]) Thus, Guillory fails to acknowledge the problem that signal strength from a specific transmitter may not be sufficient for reliable future reception, and fails to disclose evaluating signal strength against a threshold. Thus, Guillory, like Kim, fails to disclose the step of “providing an output if both of said first condition, wherein signal strength on a selected channel associated with said emergency alert function exceeds a threshold, and said second condition, wherein a broadcast test associated with said emergency alert function is passed, said broadcast test including detecting reception of a test signal that is broadcast on a scheduled periodic basis and determining whether said test signal includes a user selected location code associated with said emergency alert function, are detected,” as described in claim 1.

In view of the above remarks and amendments to the claims, it is respectfully submitted that there is no 35 USC 112 enabling disclosure provided by Kim or Guillory, which makes the present invention as claimed in claim 1 unpatentable. It is further submitted that independent claims 8 and 15, are allowable for at least the same reasons that claim 1 is allowable. Furthermore, since dependent claims 3-7, 10-14, and 17-21 are dependent from independent claims 1, 8 and 15, which are allowable for the reasons described above, it is submitted that they too are allowable for at least the same reasons that their respective independent claims are allowable. Thus, it is further respectfully submitted that this rejection has been satisfied and should be withdrawn.

Claims 4-7, 11-14, and 18-21, stand rejected under 35 U.S.C. §103(a) as being unpatentable over Kim (U.S. Patent No. 5,749,050), in view of Guillory (U.S. Publication No. 2002/0075155), and further in view of Ganzer et al. (U.S. Patent No. 5,121,430, hereinafter referred to as “Ganzer”).

Since dependent claims 4-7, 11-14, and 18-21 are dependent from independent claims 1, 8, and 15, which are allowable for the reasons described above, it is submitted that they too are allowable for at least the same reasons that their respective independent claims are allowable.

Furthermore, Ganzer teaches that a “geographically specific emergency alert system includes a code generator unit in which geographic areas to be alerted and types of severity of alerts are selected and code strings generated to represent the affected areas and alert types selected. The code strings are broadcast by modulating the audio carrier of a television signal and received on receiver units positioned in areas within the broadcast market of a television station providing the alerting service. Location codes or entered into the receiver units by the users according to the areas in which the receiver units are used. When an alert is broadcast, each receiver unit decodes a location code string in the signal. If it matches that set on the receiver, an alert code string is decoded to activate a alarm devices connected to the receiver, such as an audible alarm generator, LED, etc., in accordance with the type or severity of alert that was broadcast.” (Ganzer Abstract)

Ganzer does not address the problem of setup difficulty of an emergency alert system, nor does it provide an indicator based on detection of signal strength and passage of a broadcast test. Thus, Ganzer, like Guillory and Kim, fails to disclose the step of “providing an output if both of said first condition, wherein signal strength on a selected channel associated with said emergency alert function exceeds a threshold, and said second condition, wherein a broadcast test associated with said emergency alert function is passed, said broadcast test including detecting reception of a test signal that is broadcast on a scheduled periodic basis and determining whether said test signal includes a user selected location code associated with said emergency alert function, are detected,” as described in claim 1.

In view of the above remarks and amendments to the claims, it is respectfully submitted that there is no 35 USC 112 enabling disclosure provided by Kim, Guillory, or Ganzer, which makes the present invention as claimed in 4-7, 11-14, and 18-21 unpatentable. Thus, it is further respectfully submitted that this rejection has been satisfied and should be withdrawn.

Having fully addressed the Examiner’s rejections it is believed that, in view of the preceding amendments and remarks, this application stands in condition for allowance. Accordingly then, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the applicant’s representative at (609) 734-6804, so that a mutually convenient date and time for a telephonic interview may be scheduled.

No fee is believed due. However, if a fee is due, please charge the additional fee to  
Deposit Account 07-0832.

Respectfully submitted,

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